



COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

September 15, 2003

Maria M. Oms
Auditor-Controller
Lloyd W. Pellman
Office of the County Counsel
Rocky Armfield
Chief Administrative Office

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: **M., a Minor, et al. v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 268 034

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$250,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Probation Department and Department of Children and Family Services.

Enclosed is the settlement request and a summary of the facts of the case.

Also enclosed, for your information, is the Corrective Action Report submitted by the Probation Department.

The Corrective Action Report will be submitted under separate cover by the Department of Children and Family Services.

Return the executed, adopted copy to Frances Lunetta, Suite 648 Kenneth Hahn Hall of Administration, Extension 4-1754.

Very truly yours,

Maria M. Oms, Chairperson
Los Angeles County Claims Board

MMO/fsl

Enclosures

MEMORANDUM

September 10, 2003

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: GORDON W. TRASK
Principal Deputy County Counsel
Special Services Division

RE: M., a Minor, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 268034

DATE OF
INCIDENT: April 12, 2000 through January 2, 2002

AUTHORITY
REQUESTED: \$250,000

COUNTY
DEPARTMENT: Probation Department and Department of Children and Family Services

CLAIMS BOARD ACTION:

☐ Approve ☐ Disapprove ☐ Recommend to Board of
Supervisors for Approval

_____, Chief Administrative Office
ROCKY ARMFIELD

_____, County Counsel
LLOYD W. PELLMAN

_____, Auditor-Controller
MARIA M. OMS

on _____, 2003

SUMMARY

This is a recommendation to settle a lawsuit for \$250,000. This action was filed by 23 separate Plaintiffs. All but one were minors at the time of the alleged incidents. Each of these Plaintiffs was held in custody following a judicial order for his or her release.

Plaintiffs are Yesenia B., Tomas C., Cassie C., Michael F., Traon J., Shawana J., Kristina M., Maroof M., Priscilla R., M., Robert A., Jeffrey D., Naliah H., Gabriella L., Antonio L., Diandre M., Fernando M., Victor P., Elijah C., Carissa C., Julie L., Nicole R., and Panda W.

Plaintiff Yesenia B. was held in the San Diego County Juvenile Hall. A San Diego County delinquency court judge ordered her removed to the custody of the Los Angeles County Department of Children and Family Services (DCFS). Plaintiff alleges she should have been picked up by DCFS on May 15, 2001. She was not removed until August 7, 2001, 85 days later. The County of Los Angeles disputes whether it received notice from the San Diego court to take custody of her.

Tomas C. alleges he was unlawfully incarcerated from July 14, 2000 to July 19, 2000 because of a failure of a social worker to have an arrest warrant recalled.

Cassie C. was held in Juvenile Hall following an arrest on August 3, 2000. She alleges she was held until August 14, 2000 without being arraigned or otherwise brought before a judicial officer. She alleges she should have been released from custody no later than August 6, 2000.

Michael F. was 18-years old, but still a dependent child under supervision of DCFS. Michael F. alleges he was detained in the Los Angeles County Jail on March 12, 2001. He alleges he was ordered released by a judicial officer, to be returned to MacLaren Hall. Michael F. was not released until March 16, 2001.

Traon J. alleges that a Los Angeles Superior Court issued an order recalling a protective custody warrant of arrest because he had absented himself from the home of his foster mother. Plaintiff alleges that the County of Los Angeles failed to recall this warrant or otherwise clear the warrant from the computerized warrant system. On October 21, 2001, the Plaintiff alleges he was arrested in Orange County by police officers acting on that warrant. No charges were ever brought against him. Traon J. was detained from October 22 until October 29, 2001. Traon J. alleges DCFS social workers were aware he was arrested and did not take timely action to recall the warrant.

Shawana J. alleges she was incarcerated at the Los Padrinos Juvenile Hall from August 10 to August 15, 2001. On August 10 she was ordered released by a judicial officer to be placed by DCFS. She was not released from Probation's custody until August 15, 2001.

Kristina M. was in custody at the Central Juvenile Hall. She alleges that on June 26, 2000 she was ordered released by a judicial officer to the DCFS. She alleges she was not released until June 29, 2000.

Maroof M. was detained at the Sylmar Juvenile Hall. He alleges that on April 9, 2001 a judicial officer ordered him released from Probation's custody to the DCFS. He alleges he was not released until April 19, 2001.

Plaintiff Priscilla R. was detained at the East Lake Juvenile Hall. She alleges that on May 3, 2001 a judicial officer ordered that she be released to DCFS for placement. Plaintiff alleges that she was not released until May 15, 2001.

Plaintiff Robert A. was incarcerated at Los Padrinos Juvenile Hall. He alleges that he was ordered released to the DCFS by a judicial officer on August 1, 2001. He alleges he was not removed from the juvenile hall until August 8, 2001.

Plaintiff "M., a Minor," was incarcerated at East Lake Juvenile Hall. He alleges that on August 17, 2001 he was ordered released by a judicial officer to the DCFS to be returned to MacLaren Hall. He alleges he was not released until August 28, 2001.

Plaintiff Jeffrey D. was incarcerated in the Los Padrinos Juvenile Hall. He alleges that on June 7, 2001 he was ordered released to the DCFS by a judicial officer. He alleges that he was not removed from the Juvenile Hall by DCFS until June 14, 2001.

Plaintiff Naliah H. was detained at the Los Padrinos Juvenile Hall. He alleges that on May 1, 2001 he was ordered by a judicial officer to the custody of the DCFS. He was not picked up by DCFS until May 14, 2001.

Plaintiff Gabriella L. was arrested and detained at Los Padrinos Juvenile Detention facility. She alleges that on May 9, 2001 she was ordered released by a judicial officer to the DCFS. She alleges she was not released until May 17, 2001.

Plaintiff Antonio L. was detained at Sylmar Juvenile Hall. He alleges that he was ordered released on September 11, 2002 and that he was to be turned over to the DCFS. He alleges he was not released until September 19, 2002.

Plaintiff Diandre M. was detained at the Sylmar Juvenile Detention Center. She alleges that on December 27, 2000 she was ordered released by a judicial officer. Plaintiff alleges that she was not released until January 3, 2001.

Plaintiff Fernando M. was detained at Central Juvenile Hall. He alleges that on April 12, 2000 he was ordered released by a judicial officer for suitable placement by DCFS. He alleges that he was not released from Central Juvenile Hall until April 20, 2000.

Victor P. was detained at the Los Padrinos Juvenile Hall. He alleges that he was ordered released by a judicial officer on April 18, 2000. He alleges that he was not released and picked up by the DCFS until April 27, 2000.

Plaintiff Elijah C. was detained at the Los Padrinos Juvenile Hall. He alleges that he was ordered released by a judicial officer to the DCFS for placement on June 15, 2001. He alleges that he was not released from custody until June 19, 2001.

Carissa C. was detained at the Los Padrinos Juvenile Hall. She alleges that on April 19, 2001 she was ordered released by a judicial officer to the DCFS. She alleges she was not released until April 23, 2001.

Julie L. was detained at Central Juvenile Hall. She alleges she was ordered released by a judicial officer on June 5, 2001 and that it was ordered that she would be released to the DCFS for suitable placement. Plaintiff alleges that she was not released until June 7, 2001.

Plaintiff Nicole R. was detained at Los Padrinos Juvenile Hall. She alleges that on April 13, 2001 she was ordered released from custody and to be placed with the DCFS by a judicial officer. Plaintiff alleges that she was not released from Los Padrinos Juvenile Hall until April 18, 2001.

Plaintiff Panda W. alleges that she was detained at Los Padrinos Juvenile Hall. She alleges that on January 9, 2002 she was ordered released by a judicial officer for placement by the DCFS. She alleges that she was not released from the Juvenile Hall until January 11, 2002.

LEGAL PRINCIPLES

A public entity and its employees that supervise dependent children of the juvenile court or who hold any person in custody are liable for damages if the employees fail to discharge a duty that is mandated by law or hold a person in custody without lawful authority.

DAMAGES

Should this matter proceed to trial we estimate the damages could be as much as:

Yesenia B.	\$ 210,000
Tomas C.	25,000
Cassie C.	40,000
Michael F.	20,000
Traon J.	35,000
Shawana J.	25,000
Kristina M.	15,000
Marroof M.	50,000
Priscilla R.	60,000
M.	55,000
Robert A.	35,000
Jeffrey D.	35,000
Naliah H.	80,000
Gabriella L.	40,000
Antonio L.	45,000
Diandra M.	40,000
Fernando M.	45,000
Victor P.	45,000
Elijah C.	21,000
Carissa C	21,000
Julie L.	11,000
Nicole R.	31,000
Panda W.	<u>16,000</u>

TOTAL \$ 1,000,000

The proposed settlement calls for the County to pay 20% of the estimated liability or:

Yesenia B.	\$ 42,000
Tomas C.	5,000
Cassie C.	8,000
Michael F.	4,000
Traon J.	7,000
Shawana J.	5,000
Kristina M.	3,000
Marroof M.	10,000
Priscilla R.	12,000
M.	11,000
Robert A.	7,000
Jeffrey D.	7,000

Naliah H.	16,000
Gabriella L.	8,000
Antonio L.	9,000
Diandra M.	8,000
Fernando M.	9,000
Victor P.	9,000
Elijah C.	4,200
Carissa C	4,200
Julie L.	2,200
Nicole R.	6,200
Panda W.	<u>3,200</u>

TOTAL \$ 200,000

ATTORNEY'S FEES

The proposed settlement also calls for the payment of Plaintiffs' attorney's fees. Plaintiffs' counsel shall receive 25% of the \$200,000 settlement proceeds, or \$50,000, plus an additional amount not to exceed \$50,000 for attorney's fees pursuant to Federal law. The total attorney's fees may equal, but may not exceed, \$100,000.

The total settlement, including attorney's fees cannot exceed \$250,000.

INJUNCTIVE RELIEF

As part of the settlement, the County of Los Angeles must also agree to a court order that consists of the following elements:

1. The County of Los Angeles will release minors in the custody of the Probation Officer who do not have a responsible adult to take custody, to the DCFS by 8 a.m. of the day following the court's order of release from custody.
2. The Probation Officer shall inform the presiding judge of the juvenile court, in writing, of any incident where a minor is not released to the DCFS in a timely manner as described in paragraph 1.
3. DCFS will notify the Chief Probation Officer of each incident wherein a minor is not released in a timely manner. If the minor is a dependent child of the juvenile court, the Director of the DCFS shall send a copy of this notification to the child's dependency attorney.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of a proposed settlement. The court has set a hearing for November 12, 2003 to approve the minors' compromises if this settlement is approved.

Expenses incurred by the County in defense of this matter are attorney's fees of \$86,001.33 and \$1,428.41 in costs.

EVALUATION

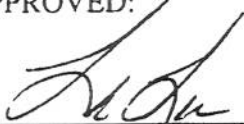
Most of the facts in this case are not in dispute. In the typical matter, a judicial officer ordered a minor released from custody to the DCFS. There was delay in making that release, sometimes for a period of several days. The County will be held liable each time that delay is determined to be unreasonable.

Most of the minors were difficult to place, either because of previous behavior problems or because of the criminal offenses they had been charged with.

We believe that this settlement serves the best interests of the County in disposing of a number of claims. Each one of these claims could result in a jury verdict well in excess of the settlement amount. The attorney's fees settlement is also reasonable in light of the potential for attorney's fees if the Plaintiffs' counsel were successful in even one of his cases.

Both the Probation Officer and the DCFS recommend approval of the proposed settlement.

APPROVED:



LAWRENCE B. LAUNER
Assistant County Counsel

GWT:jb

Los Angeles County Probation Department

Corrective Action Plan

CASE: M.A. a minor vs. County of Los Angeles
BC 268034

ISSUE

Over-detention of detained minors at times has occurred due to delays following court ordered release from juvenile hall, arranged youth pick-ups not performed by social workers, or due to difficulty identifying an appropriate setting to which minors may be transferred.

REVIEW

Historically when this issue has been experienced it is due to direct-from-court releases or releases to placements. In the direct-from-court releases the minor is ordered released by the bench officer, but due to no family present and/or no presence in court of representatives from the Department of Children and Family Services (DCFS) the minor is brought back to juvenile hall from court pending release. The minor may be temporarily returned to a juvenile hall living unit, and the attention to release the minor could be diverted to other matters. Thus, the minor remains detained.

CORRECTIVE ACTIONS

Probation and DCFS have entered into an operational agreement to ensure the rights of minors are protected, and that releases are expeditiously completed. Probation and DCFS strive to ensure that youths being released from the Probation Department are released to an appropriate setting or, if this is not possible in an expeditious manner, the youths are transferred to DCFS. This process ensures the protection and safety of each youth, and that youths do not remain detained following court-ordered release. This operational agreement outlines the following roles and responsibilities of each Department:

PROBATION RESPONSIBILITIES

1. Within one hour of notice, Probation shall call the Child Protection Hotline (1-800-540-4000) and press the Law Enforcement number (6) when prompted to do so.
2. Probation will inform the Intake CSW that he/she is calling from Probation regarding the release of a youth back to DCFS.
3. Probation shall provide the following information, if known:
 - a. name of youth.
 - b. age, date of birth.

- c. parents' names, addresses and phone numbers.
 - d. name, phone number and office location of the youth's CSW.
 - e. applicable placement facility.
 - f. specific charges and future court dates, if any.
 - g. any special needs or observed behaviors.
 - h. name and phone number of the assigned Deputy Probation Officer.
 - i. the location where the youth is to be released to DCFS.
4. Probation shall obtain a referral number from the Intake CSW.
 5. Releases of minors may become necessary due to a Court order to release, or release due to the District Attorney rejecting the case, or there has been a Probable Cause Declaration (PCD) rejection by the Court, or there has been no filing by the arresting agency. In such circumstances Probation shall not return these minors to a juvenile hall living unit. These minors shall remain at or near the Movement-Control area of juvenile hall so they remain conspicuous. If the minor has not been picked-up by placement or DCFS by 4:00 PM, the minor will be transported by Probation to the DCFS Command Center on Wilshire Boulevard.

DCFS REPONSIBILITIES

1. **HOTLINE CSW/SCSW**
 - a. Shall give priority to the call from Probation, code it as an Immediate Response (IR) and will identify it as a Probation referral and process it within one hour.
 - b. The Hotline SCSW will immediately assign the referral as an IR to the appropriate regional office during business hours or the Emergency Response Command Post (ERCP), if after hours.
 - c. If the referral is assigned during business hours, Hotline support staff shall call and verify that the regional office has received the IR. Additionally, Hotline support staff will contact the CSW's Assistant Regional Administrator to alert him/her of the immediate referral for control purposes.
 - d. If the referral is after hours, the Hotline support staff will phone the on-duty ERCP SCSW to verify the receipt of the referral as an IR.
2. **REGIONAL CSW OR ERCP CSW**
 - a. Will contact the Deputy Probation Officer to verify the location of the youth and give an estimated time of arrival.
 - b. Will take custody of the youth from Probation for placement.
 - c. Will place the youth and complete all necessary detention reports and placement paperwork.